

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL E. ASHBY,
Petitioner,

v.

ALICE PAYNE,
Respondent.

Case No. C05-5416FDB

ORDER DENYING CERTIFICATE
OF APPEALABILITY

Petitioner seeks to appeal the Order adopting the Report and Recommendation in which Petitioner's issue of entitlement of good-conduct time in the Pierce County Jail was determined. Petitioner waited ten years before challenging the certification thereby creating prejudice to the County in being unable to produce records to defend against the challenge. On this record, a certificate of appealability is DENIED. SO ORDERED.

DATED this 6th day of April, 2006.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE